

**PROCEDURES FOR PROCESSING INDIVIDUAL
COMPLAINTS OF DISCRIMINATION
BASED ON RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE*,
PHYSICAL OR MENTAL DISABILITY, OR REPRISAL**

1. Employee or applicant for employment contacts EEO Manager or EEO Counselor within 45 calendar days of the alleged discriminatory event or personnel action. The Counselor will do an inquiry and attempt informal resolution.
2. Ordinarily, counseling must be completed within 30 calendar days unless both parties agree to an extension of not more than 60 calendar days. In cases where an aggrieved individual agrees to participate in Alternative Dispute Resolution (ADR) procedures available as part of the agency's counseling function, the counseling period will be 90 calendar days of the end of the ADR process, whichever is earlier.
3. If the matter has not been informally resolved, the aggrieved individual shall be informed in writing at the conclusion of the counseling period of the right to file a discrimination complaint.
4. A formal complaint must be filed within 15 calendar days of receipt of the "Notice of Final Interview and right to file a formal complaint."
5. The Agency is required to conduct a complete investigation of the complaint within 180 calendar days of the filing of the complaint, unless the parties agree in writing to extend the period.
6. Complainant is provided a copy of the investigative report and advised that within 30 calendar days of receipt of the report, he or she has the right to request either a hearing before an Administrative Judge (AJ) or final agency decision.
7. Complainants who want to request a hearing will send their requests directly to the Equal Employment Opportunity Commission (EEOC) Office. Complainants must notify the agency at the same time they make the hearing request to EEOC. Requests for hearings must be in writing.
8. If the complainant requests a hearing, the EEOC shall appoint an AJ to conduct a hearing. Upon appointment to a case, the AJ assumes full responsibility for the complaint. The AJ will review the complaint file, preside over discovery or other fact-finding, holding a hearing and issue a decision. The hearing shall be recorded and transcribed verbatim.
9. The AJ has authority to dismiss all of a complaint for all of the reasons contained in the dismissal provisions and no longer will send complaints back to the agency for dismissal.
10. The AJ will issue a decision to both parties. The agency will have 40 days to issue a final order on the complaint. The final order will notify the complaint whether or not the agency will fully implement the decision of the AJ and will contain notice of the complainant's civil action and appeal rights. If the agency's final order does not fully implement the AJ's decision, the agency must simultaneously file an appeal with EEOC.
11. The 180-day timeframe for the AJ to issue decisions on cases referred to them for hearings will run from the AJ's receipt of the complaint file from the agency.

12. The AJ will send the hearing record to the parties, with the decision. The final decision and the record does not have to be sent certified mail.

NOTE: The complainant has the right to file a civil action in an appropriate U.S. District Court:

within 90 calendar days of receipt of the agency's final order on his/or her complaint if no appeal has been filed.

after 180 calendar days from the date of filing an individual complaint with the agency if there has been no decision.

within 90 calendar days of his or her receipt of notice of final action taken by the EEOC on appeal.

after 180 calendar days from date of filing an appeal with EEOC if no decision has been issued by the Commission.

Filing of a civil action terminates processing of an individual complaint by the agency or EEOC.

*The Age Discrimination in Employment Act of 1967 provides that an employee or applicant for employment (age 40 or over) may bypass the administrative complaint process and file a civil action concerning allegations of age discrimination directly in the U.S. District Court provided that the aggrieved person first provides EEOC with a written notice of intent to sue under the ADEA. The notice must be filed within 180 calendar days of the date of the alleged discriminatory action. Once a timely notice of intent to sue is filed with EEOC, the aggrieved person must wait at least 30 calendar days before filing a civil action. Notices of intent to sue must be submitted to:

Equal Employment Opportunity Commission
Office of Federal Operations Federal Sector Programs
P.O. Box 19848
Washington, DC 20036

Authorities: Title VII of the Civil Rights Act of 1964 as Amended; CFR 1614; Age Discrimination in Employment Act; Rehabilitation Act; and Executive Orders 13087, 13145 and 13152.